



## **COUNCIL CHAMBERS**

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

### **REDEVELOPMENT AGENCY**

Dennis Kennedy, Chairperson  
Steve Tate, Vice-Chairperson  
Larry Carr, Agency Member  
Mark Grzan, Agency Member  
Greg Sellers, Agency Member

### **COUNCIL MEMBERS**

Dennis Kennedy, Mayor  
Steve Tate, Mayor Pro Tempore  
Larry Carr, Council Member  
Mark Grzan, Council Member  
Greg Sellers, Council Member

### **REMOTE LOCATION PARTICIPANT**

Steve Tate, Vice-Chair/Mayor Pro Tempore  
6825 E. 4<sup>th</sup> Street  
Scottsdale, AZ 85251  
(Closed Sessions Only)

**WEDNESDAY, MARCH 23, 2005**

### **AGENDA**

### **JOINT MEETING**

### **REDEVELOPMENT AGENCY REGULAR MEETING**

**and**

### **CITY COUNCIL SPECIAL MEETING**

**7:00 P.M.**

*A Special City Council Meeting Is Called at 7:00 P.M.  
for the Purpose of Conducting City Business and  
Closed Sessions.*

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**Dennis Kennedy, Chairman/Mayor**

**CALL TO ORDER**

(Chairperson/Mayor Kennedy)

**ROLL CALL ATTENDANCE**

(Agency Secretary/City Clerk Torrez)

**DECLARATION OF POSTING OF AGENDA**

**Per Government Code 54954.2**

(Agency Secretary/City Clerk Torrez)

**7:00 P.M.**

**SILENT INVOCATION**

**PLEDGE OF ALLEGIANCE**

**PROCLAMATION**

April is Fair Housing Month

*Veronica Navarro, Project Sentinel*

**CITY COUNCIL SUBCOMMITTEE REPORTS**

**OTHER REPORTS**

**PUBLIC COMMENT**

**NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.**  
(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME  
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND  
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE  
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY  
COUNCIL/REDEVELOPMENT AGENCY.**

## ***Redevelopment Agency Action***

**CONSENT CALENDAR:**

**ITEM 1**

The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

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| <b>Time Estimate</b>  | <b>Page</b> |
| <b>Consent Calendar: 1 - 10 Minutes</b>   |             |
| 1. <b><u>FEBRUARY 2005 REDEVELOPMENT AGENCY FINANCE &amp; INVESTMENT REPORT</u></b> ..... | 1           |
| <b><u>Recommended Action(s):</u></b> <u>Accept</u> and <u>File</u> Report.                |             |

## ***City Council Action***

### **CONSENT CALENDAR:**

#### **ITEMS 2-8, AND ITEM 15**

|  |             |
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| <b>Consent Calendar: 1 - 10 Minutes</b>  |             |
| 2. <b><u>FEBRUARY 2005 CITY FINANCE &amp; INVESTMENT REPORT</u></b> .....  | 11          |
| <b><u>Recommended Action(s):</u></b> <u>Accept</u> and <u>File</u> Report.   |             |
| 3. <b><u>AWARD BUTTERFIELD BOULEVARD-SAN PEDRO AVENUE SEWER TRUNK PROJECT</u></b> .....  | 37          |
| <b><u>Recommended Action(s):</u></b>   |             |
| 1. <b><u>Award</u></b> Contract to McGuire and Hester for the Construction of the Butterfield Boulevard/San Pedro Avenue Sewer Trunk Project in the Amount of \$303,190, Subject to Review and Approval by the City Attorney;  |             |
| 2. <b><u>Authorize</u></b> the Expenditure of Construction Contingency Funds, Not to Exceed \$30,319; and  |             |
| 3. <b><u>Appropriate</u></b> \$133,500 From the Un-Appropriated Sewer Capital Expenditure Fund (AB1600).   |             |
| 4. <b><u>WILDLIFE EDUCATION AND INTERPRETATION AREA DESIGNATION</u></b> .....  | 41          |
| <b><u>Recommended Action(s):</u></b> <u>Approve</u> Resolution.  |             |
| 5. <b><u>TRAILS GRANT PROPOSALS AUTHORIZATION</u></b> .....  | 45          |
| <b><u>Recommended Action(s):</u></b> <u>Adopt</u> the Resolution Authorizing the Filing of Three Separate Applications for Local Assistance Funds from the Trails and Open Space Grant Program Under the Clean, Safe Creeks and Natural Flood Protection Program of 2000.  |             |
| 6. <b><u>CONTRACT FOR WORKERS' COMPENSATION THIRD PARTY ADMINISTRATOR (TPA)</u></b> .....  | 49          |
| <b><u>Recommended Action(s):</u></b> <u>Authorize</u> the City Manager to Execute a Consultant Services Agreement for Third Party Administration of Worker's Compensation at a Cost Not to Exceed \$48,000 Annually, and \$68,000 Over the Term of the Agreement; Subject to Review and Approval by the City Attorney. |             |
| 7. <b><u>RESOLUTION SUPPORTING RETENTION OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)</u></b> .....   | 61          |
| <b><u>Recommended Action(s):</u></b>   |             |
| 1. <b><u>Adopt</u></b> Resolution Requesting that Congress Retain the CDBG Program as a Separate and Distinct Program with Fiscal Year 2006 Funding at the Same Levels as in Fiscal Year 2005, Including Using the Current System of Allocations.; and   |             |
| 2. <b><u>Direct Staff to Send</u></b> the Resolution to Both of California's United States Senators, Morgan Hill's Congressional Representative and the League of California Cities.   |             |

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| <b>Consent Calendar: 1 - 10 Minutes</b> |             |

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| 8. | <u><b>PUBLIC-PRIVATE PARTNERSHIP OF THE OUTDOOR SPORTS COMPLEX REQUEST FOR PROPOSALS SUBMITTAL</b></u> ..... | 65 |
|    | <u><b>Recommended Action(s): Confirm</b></u> Evaluative Process with the Sole Applicant.                     |    |

## Redevelopment Agency Action

### PUBLIC HEARINGS:

|                      |             |
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|----|------------|--|----|
| 9. | 30 Minutes | <u><b>COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ALLOCATION (FISCAL YEAR 2005-2006)</b></u> .....   | 67 |
|    |            | Public Hearing Opened.   |    |
|    |            | Please Limit Your Remarks to 3 Minutes. Public Hearing Closed  |    |
|    |            | Council Discussion.  |    |
|    |            | Action- <u><b>Adopt</b></u> Resolution for Appropriation of Fiscal Year 2005-2006 CDBG Funds.  |    |
|    |            | Action- <u><b>Appropriate</b></u> Carry-Over of Approximately \$12,773 from Fiscal Year 2004-2005.   |    |
|    |            | Action- <u><b>Authorize</b></u> the City Manager to do Everything Necessary for the Implementation of the CDBG Program, Including Execution of all Required Contracts. |    |

## City Council Action

### OTHER BUSINESS:

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| 10. | 30 Minutes | <u><b>PROPOSED VALLEY TRANSPORTATION AUTHORITY (VTA) LONG-TERM TRANSIT CAPITAL INVESTMENT PROGRAM</b></u> .....  | 73 |
|     |            | <u><b>Recommended Action(s): Receive Presentation</b></u> from VTA Staff on Proposed Long-Term Transit Capital Investment Program and <u><b>Provide a Position</b></u> on the Proposed Plan.   |    |
| 11. | 5 Minutes  | <u><b>LEASE WITH SOLARA ENERGY</b></u> .....   | 95 |
|     |            | <u><b>Recommended Action(s):</b></u>   |    |
|     |            | 1. <u><b>Authorize</b></u> the City Manager to Negotiate, Prepare, Execute, and Implement a Five-Year Lease Agreement with Solara Energy to Lease the 6,080 Square Foot Space Adjacent to the Police Station at 16200 Vineyard Boulevard; Subject to the Terms Stated in the Staff Report; and |    |
|     |            | 2. <u><b>Appropriate</b></u> \$40,000 From the Police Facility Bond Proceeds to Fund the City's Improvements Needed to Lease the space.  |    |
| 12. | 5 Minutes  | <u><b>APPROVE PURCHASE AND INSTALLATION OF SECOND SLIDE FROM WHITEWATER WEST INDUSTRIES AND CALIFORNIA COMMERCIAL POOLS FOR AQUATICS CENTER</b></u> .....  | 99 |
|     |            | <u><b>Recommended Action(s):</b></u> To Be Presented at the Meeting.   |    |

**OTHER BUSINESS:**

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| 13. | 10 Minutes           | <b><u>REQUEST FOR SPONSORSHIP OF THE 26<sup>TH</sup> ANNUAL MORGAN HILL MUSHROOM MARDI GRAS EVENT</u></b> .....   | 101         |
|     |                      | <b><u>Recommended Action(s): Consider</u></b> Request by Morgan Hill Mushroom Mardi Gras for \$10,000 Sponsorship of the 26 <sup>th</sup> Annual Mushroom Mardi Gras Event. |             |
| 14. | 5 Minutes            | <b><u>9<sup>TH</sup> ANNUAL SACRAMENTO ADVOCACY TRIP</u></b> .....  | 105         |
|     |                      | <b><u>Recommended Action(s): Council Direction.</u></b>   |             |

***City Council Action***

**CONSENT CALENDAR: (CONTINUED)**

**ITEM 15**

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|     |                      | <b>Consent Calendar: 1 - 10 Minutes</b>  |             |
| 15. |                      | <b><u>CLOR-TEC CHLORINE GENERATION SYSTEM SOLE SOURCE REQUEST FOR AQUATICS CENTER CAPITAL IMPROVEMENT PURCHASE AND INSTALLATION</u></b> .....  | 106         |
|     |                      | <b><u>Recommended Action(s): Approve</u></b> Staff's Request to Sole Source the Purchase of a Chlorine Generation System from Severn Trent Services as a Recommended Item from the Capital Improvement List for the Aquatics Center. |             |

**FUTURE COUNCIL-INITIATED AGENDA ITEMS:**

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

***Redevelopment Agency Action and City Council Action***

**CLOSED SESSION:**

1.  
**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**  
Authority: Government Code Sections 54956.9(b) & (c)  
Number of Potential Cases: 4

**OPPORTUNITY FOR PUBLIC COMMENT**

**ADJOURN TO CLOSED SESSION**

**RECONVENE**

**CLOSED SESSION ANNOUNCEMENT**

**ADJOURNMENT**